by themselves. Not improbably an assumption of inferior police and fire protection and greater facility for certain crimes in residential districts did exert some influence both with the Supreme Court of Illinois and the Supreme Court of the United States in determining that the ordinance did not deny the equal protection of the laws.

The Supreme Court, having postulated that the Legislature had power to authorize a municipality absolutely to regulate the size and character of billboards for all residential districts, argues that the plaintiff in error cannot be injured, but obviously may be benefited by the provision that billboards may be erected in certain districts where the consent in writing of the majority of property holders is obtained, because this is in the nature of a special concession or privilege. "He who is not injured by the operation of a law or ordinance cannot be said to be deprived by it of either constitutional right or of property." Further following up this line of thought, and distinguishing a former decision which at first blush might seem inconsistent, the Supreme Court remarks:

"The plaintiff in error relies chiefly upon Eubank *v.* Richmond (226 U. S. 137). A sufficient distinction between the ordinance there considered and the one at bar is plain. The former left the establishment of the building line untouched until the lot owners should act, and then made the street committee the mere automatic register of that action and gave to it the effect of law. The ordinance in the case at bar absolutely prohibits the erection of any billboards in the blocks designated, but permits this prohibition to be modified with the consent of the persons who are to be most affected by such modification. The one ordinance permits two-thirds of the lot owners to impose restrictions upon the other property in the block, while the other permits one-half of the lot owners to remove a restriction from the other property owners. This is not a delegation of legislative power, but is, as we have seen, a familiar provision affecting the enforcement of laws and ordinances."

This decision is a liberal recognition of the authority to protect public health and safety in the physical sense, without the slightest reference to the esthetic considerations which have been so frequently urged, and so far without success, in billboard cases in the state courts.

Treaties—Consuls as Administrators—Effect on State Laws—To the Shade of the Great Calhoun.—May a treaty be unconstitutional because it invades states' rights?

Article VI of the Federal Constitution provides: "The Constitution and the laws of the United States which shall be made in pursuance thereof, and all treaties made or which shall be made, under the authority of the United States, shall be the supreme law of the

land." Must treaties be "made in pursuance" of the Constitution, or can the President and Senate, when acting alone in exercise of the treaty-making powers, encompass encroachments on states' rights which would be forbidden to them when co-operating with Congress in the enactment of laws?

The case of Pagano *v.* Cerri (Ohio), 112 Northeastern Reporter, 1037, deals with the rights of an Italian consul to be appointed administrator of the estate of an Italian subject. By virtue of a treaty between this country and Italy, consuls, etc., are granted "all the rights, prerogatives, privileges and immunities which are or may hereafter be granted to officers of the same grade of the most favored nation." A treaty between this country and Sweden provides: "Consuls, * * * so far as the laws of each country will permit, and pending the appointment of an administrator * * * of the estate of a Swedish subject, shall * * * take charge of the property left, * * * and, moreover, have the right to be appointed administrator of such estate." Under the laws of Ohio, where there are no relatives or creditors, the selection of an administrator is discretionary with the probate court.

The consul contended his right to be appointed administrator was not delimited by the phrase, "so far as the laws of each country will permit," but that he was entitled to the appointment as a matter of right under the treaty despite any provisions to the contrary of the laws of Ohio. The court held, however, the limitation regarding the "laws of each country" applied to his right of appointment as well as to his right to take charge of the estate pending an appointment.

Chief Justice Nichols, in delivering the opinion of the court, had occasion to advert to the treaty-making powers of our federal government, and his discussion will win for him the grateful regard of all who are desirous that states' rights be not impinged. He says among other things: "The Constitution of the United States reserves to the exclusive domain of the Executive and the United States Senate the treaty-makng power, yet this grant to the federal government and denial to the several states has its limitations of power. A treaty duly ratified has no more binding force than an act of Congress generally, and as to its subject-matter clearly it cannot overstep the limitations of the federal Constitution."

Explosives—Public Display of Fireworks—Personal Liability of Committee.—Pawtucket, R. I., decided to have a grand celebration on Independence Day. The City Council appropriated $2,000, a joint resolution was passed, appointing two members of the Board of Aldermen and four from the Council, to act as Special Joint Committee, to arrange for the celebration and have charge of the fund